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In re Application of
KALLESTAD, John P.
Application No.: 10/789,388
Filing Date: February 28, 2005
Docket No.: DC1-001
For: DAY AND TIME CHRONOMETER
MOVEMENT

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OFFICE OF PETITIONS

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on the "Petition to Revive Unintentionally Abandoned Application" filed on May 12, 2005. The petition under 1.137(b) is hereby **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice") mailed May 19, 2004. The Notice required an oath or declaration in compliance with 37 CFR 1.63, the basic filing fee, a substitute specification, new drawings, an abstract and a surcharge fee. This Notice set a two (2) month period for reply, with extensions of time obtainable under §1.136(a).

Petitioner submitted an executed declaration in compliance with 37 CFR 1.63, the required filing fee, surcharge fee, and the petition fee. A replacement specification, replacement drawings, and a replacement abstract were also submitted. Applicant's statement in the petition has been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). If this interpretation is incorrect, applicants should notify the office. A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the Office of Initial Patent Examination for continued processing.

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